

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

ROCKAUTO, LLC,

ORDER FOR
PERMANENT INJUNCTION

18-cv-797-jdp

Defendant.

Plaintiff Equal Employment Opportunity Commission proved at trial that defendant RockAuto, LLC discriminated against charging party Glenn McKewen on the basis of age in violation of the Age Discrimination in Employment Act (ADEA). The discrimination occurred despite RockAuto having adopted a non-discrimination policy.

The court finds that a permanent injunction is necessary to ensure that RockAuto complies with the ADEA, and does not take the age of an applicant into consideration during the hiring process or otherwise discriminate against applicants or employees on the basis of age.

Accordingly, IT IS ORDERED that defendant RockAuto, LLC, is permanently ENJOINED as follows:

1. Prohibition on age discrimination in hiring
 - a. RockAuto shall not take the age of an applicant into consideration during its hiring process.
2. Adoption of anti-discrimination policy
 - a. RockAuto shall adopt an anti-discrimination policy that prohibits age discrimination in its hiring process and establishes a procedure to receive and investigate complaints of discrimination.

- b. RockAuto shall provide a copy of its policy to EEOC within 30 days of the entry of the court's order. EEOC must inform RockAuto of its objections to the policy, if any, within 14 days. If EEOC and RockAuto are unable to resolve any objections to the policy, the parties must submit their positions to the court within 14 days of EEOC's objection.
- c. Within 14 days of resolution of any objections, or within 14 days of the expiration of the objection period, RockAuto must provide a written copy of its anti-discrimination policy to each of its members, officers, and employees.
- d. RockAuto shall maintain copies of any age discrimination complaints, internal investigations, and related records for the duration of this order (or longer if required by any other recordkeeping regulation).

3. Implementation of anti-discrimination training

- a. Within 90 days of the entry of this order, RockAuto shall provide all employees involved in hiring decisions, including all individuals who review applications, participate in interviews, or hold any decision-making authority with regard to hiring, with at least one hour of training on the ADEA and RockAuto's anti-discrimination policy to be conducted either in-person or by live video conferencing.
- b. RockAuto shall provide this training once per year for the duration of this order.
- c. RockAuto shall provide EEOC with the name and qualifications of the person administering the training and the proposed training materials at least thirty days before each administration of the training.
- d. RockAuto shall provide EEOC with a certification listing the individuals who attended the training, including names and titles, within seven days after each administration of the training.

4. Assurance of compliance

- a. Within 14 days of entry of this injunction, RockAuto must provide a copy of this injunction to its members, officers, and employees.
- b. The term of this injunction shall be for three years from the date of entry.
- c. Each year, on the anniversary of the entry of this order, RockAuto shall file with the court a certificate of compliance with the injunction. If RockAuto has not fully complied with one or more provisions of this order, the signatory of the report shall indicate what shortcomings have occurred and shall outline a plan to assure immediate compliance.

- d. EEOC will give RockAuto 14 days' notice of any alleged noncompliance with the terms of this order before initiating enforcement actions under it. If RockAuto has not remedied the alleged noncompliance or has not satisfied the EEOC that it has complied with this order at the end of that period, the EEOC may apply to the court for appropriate relief.
- e. These dispute resolution proceedings do not prevent the EEOC from seeking immediate relief from the court for egregious violations of the injunction.

Entered August 25, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge